In the Drawings:

Please find attached one Replacement Drawing, FIG. 3, in which a descriptive label have been added to ref. nos. 10, 16, 18, 22 and 26, in accordance with the instant Office Action. No other changes are intended from the immediate prior version. Entry of this replacement drawing is respectfully requested.

Attachment: Replacement FIG. 3.

Remarks

The Section 102(b) rejections are improper because the cited reference is not prior art under Section 102(b) (*i.e.*, the cited '534 reference was not patented more than one year prior to the priority date of the instant application). Applicant further submits that the '534 reference does not disclose the limitations as asserted in the Office Action and, accordingly, that the Sections 102 and 103 rejections, all of which rely upon the '534 reference, are improper. The Section 103 rejections are also improper because the rejection is based upon the Examiner's unsupported opinion regarding allegedly obvious teachings that is not based upon any cited reference and for which no evidence of motivation has been cited. Applicant has addressed these issues as well as those pertaining to the objections to the drawings and Section 112(2) rejections in the following discussion, in view of which Applicant believes the instant application is in condition for allowance.

The non-final Office Action dated May 22, 2008, notes an objection to the drawings and lists the following rejections: claims 1-15 stand rejected under 35 U.S.C. § 112(2); claims 1 and 14 stand rejected under 35 U.S. C. § 102(b) over the Nadeau-Dostie *et al.* reference (US Patent No. 6,510,534); and claims 2-13 and 15 stand rejected under 35 U.S.C. § 103(a) over the Nadeau-Dostie reference. Applicant traverse the objections and rejections, and further does not acquiesce explicitly to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the objection to Figures 1 and 3 and submits that the rejections are improper because the Office Action has based the rejections upon drawing characteristics that are not present in FIG. 1, and that are labeled in accordance with 37 CFR 1.83(a) in FIG. 3. Specifically FIG. 1 does not recite any of blocks 10, 16, 22, 18 and 26, which are the subject of the objection. FIG. 3 shows block functions with labels that are clearly described in the specification and consistent with 37 CFR 1.83(a) (*i.e.*, containing "as few words as possible"). As consistent with thousands of issued patents listed at the USPTOs search engine, Applicant's use of connected logic blocks in FIG. 3 to show the claimed generator 10 with various numbered logic blocks as described, for example, at paragraphs 0070-0074. Item 10 is not a block as indicated in the Office Action but rather refers to the various logic blocks and connections that make

part of a "generator" shown in FIG. 3 and discussed at paragraph 0070. Block 16 is described at paragraph 0072 as a "ratio generator 16." Block 18 is a "divratio generator" block and block 22 is a delay block as described at paragraph 0077. Paragraph 0080 describes "balance block 26." To facilitate prosecution in regard to FIG. 3, Applicant has added descriptive labels to blocks 16, 18, 22 and 26 consistent with 37 CFR 1.83(a) to include "as few words as possible," and has further indicated that 10 is a "generator." Regarding FIG. 1, the objection has not indicated any issues and, as such, Applicant understands that the objection thereto is inapplicable.

Applicant traverses the Section 112(2) rejection because the Office Action's assertion that the claims are unclear stops short of establishing that the claims do not meet the requirements of Section 112(2), particularly where the specification provides various related examples (*see, e.g.*, FIG. 1B). Nonetheless, Applicant has amended the claims in a manner consistent with the claims as presented in the previously-filed Preliminary Amendment and/or as originally filed, and believes that the scope of these amended claims is consistent as well. Applicant further believes that the Section 112(2) rejections are no longer applicable in view of the amended claims.

Applicant respectfully traverses the Section 102(b) rejection of claims 1 and 14 over the '534 reference because the reference was not patented more than one year prior to the priority date of the instant application, and is therefore not prior art. Specifically, the instant application has a priority date of December 27, 2003 and the issue date of the '534 reference is January 21, 2003. Applicant therefore requests that the Section 102(b) rejection be removed.

Applicant further submits that the Office Action has not asserted, and the cited portions of the '534 reference do not disclose, all of the claim limitations under Section 102. For example, the discussion of the Section 102 rejection (limited to page 4 of the Office Action) makes no mention of limitations directed to initiating the second of two clock signals at a common threshold value, for respective clock signals having different frequencies as in either of claims 1 or 14. As recited in both claims, "the third threshold value is common for both clock signals" where the second of two clock pulses are initiated "when the said count value reaches a third threshold value." Applicant has reviewed the cited portions of the '534 reference and cannot ascertain any discussion

related to these limitations, or disclosure of the same. Cited Figures 3-6 do not appear to produce a train of two clock pulses in response to clock signals of different frequency (*i.e.*, a single output appears to be generated at CaptureCLK), and clock pulses are not aligned. For instance, as claimed in each of claims 1 and 14, and further exemplified in FIG. 1B, second clock pulses for each of two signals fastclkout and clkout(i) (where i is 0, 1 or 2) are aligned. Moreover, the Office Action has not cited any portion of the '534 reference that discloses the claimed threshold values and respective control of clock pulses. In this regard, Applicant submits that the '534 reference fails to disclose all of the claim limitations and that any Section 102 rejection based thereupon is improper.

Applicant traverses the Section 103 rejection because the Office Action has failed to establish a *prima facie* case of obviousness. In short, the '534 reference does not disclose aligning second clock pulses of signals as claimed (per the above discussion). In addition, the Office Action improperly relies solely upon the '534 reference without citing any reference that discloses limitations indicated as not present in the '534 reference, instead relying upon an opinion about what "would have been known." For instance, the Office Action's assertion that using "alternative design means for the purpose of generating two clock pulses during at-speed testing" is obvious, without citing any reference that teaches or suggests such limitations and without citing any reference that evidences motivation for modifying the '534 reference, is contrary to Section 103, the M.P.E.P. and relevant law. Claims cannot be rejected under Section 103 based upon opinion only; there must be teaching or suggestion from the prior art, and the rejection must cite to this teaching or suggestion in order to establish a Section 103 rejection. Here, the cited '534 reference does not disclose any such teaching or suggestion.

New claim 16 is believed to be allowable based upon the above, and because the cited reference fails to disclose outputting two (or more) clock signals respectively having their second clock pulses aligned. Support for these limitations can be found, for example, in FIG. 5 and corresponding discussion at paragraphs 0040 and 0053-0068.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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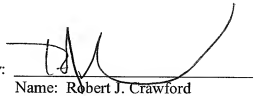
By: 

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